

Message Text

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ACTION L-03

INFO OCT-01 ARA-16 ADP-00 JUSE-00 SCA-01 NSC-10 CIAE-00

INR-10 NSAE-00 PA-03 RSC-01 USIA-15 PRS-01 RSR-01

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FM AMEMBASSY SAN JOSE

TO SECSTATE WASHDC 4947

LIMITED OFFICIAL USE SAN JOSE 3067

E.O. 11652: N/A

TAGS: PFOR, CS

SUBJECT: RENEGOTIATION OF EXTRADITION
TREATY

REF: STATE 168880

1. I AM DELIGHTED AT DECISION TO PROCEEDHGO
RENEGOTIATE OUR EXTRADITION TREATY WITH COSTA
RICA. I URGE THAT 175 AUTHORITY TO OPEN FORMAL
NEGOTIATIONS BE OBTAINED SOONEST AND THAT WE
RECEIVE DRAFT TEXT FOR DELIVERY TO FACIO ASAP.
SINCE FACIO IS THE MAN WE WILL HAVE TO DEAL
WITH, I AM CONCERNED THAT HIS UPCOMING
ABSENCES FROM SAN JOSE THROUGH THIS FALL
WILL SLOW THINGS UP UNLESS WE CAN GET TO
HIM FAST. (HE WILL SPEND THREE WEEKS IN
UNGA AND AN INDEFINITE TIME IN THE LIMA OAS
MEETING THIS NOVEMBER.)

2. WITH REGARD TO SUCH RENEGOTIATION, I
WOULD LIKE TO PUT FORWARD THE FOLLOWING
CONSIDERATIONS:

A) FACIO TOLD ME HE HAS SOME DEFINITE
IDEAS WITH REGARD TO THE TREATY. HE SEES
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THE DIFFERENCE BETWEEN COMMON AND ROMAN

LAW AS ONE OF THE PROBLEMS TO BE SOLVED. HE WANTS TO BE SURE THE TREATY RECONCILES OR EXPLAINS THESE IN WAYS THAT EACH SIDE'S COURTS CAN EFFICIENTLY AND QUICKLY ACT. HE WILL, I AM SURE, HAVE SOME VOLUMINOUS SUGGESTIONS FOR ADDITIONS OR CHANGES WITH REFERENCE TO STANDARD TREATY LANGUAGE.

B) SINCE THE COSTA RICAN COURTS EXECUTE EXTRADITION REQUESTS, THE TERMS OF THE PROCESS MUST RELATE TO OR TAKE INTO ACCOUNT COSTA RICAN JURISPRUDENCE. THEREFORE AS A PRACTICAL AND PRUDENT MATTER THE TREATY WILL HAVE TO BE DRAFTED IN WORDS THAT AT LEAST UNDERSTAND AND TAKE INTO ACCOUNT THE PARTICULAR COSTA RICAN JURIDICAL ENVIRONMENT, CODES AND PROCEDURES, AND RECONCILES THEM TO OUR PRACTICE AND NEEDS. THIS IS TRUE NOT ONLY WITH REFERENCE TO PROCEDURES (PROVISIONAL ARREST, ETC.) BUT JURIDICAL CONCEPTS, E.G. CONSPIRACY, SEC FRAUD, US "ORGANIZED CRIME" LAWS, ETC.

3. PRESUMABLY THE FOREIGN OFFICE AND FACIO WILL BE ALERT TO THESE POINTS, BUT I NEVERTHELESS BELIEVE IT ESSENTIAL THAT WE (AND THE DEPT) HAVE THE BENEFIT OF AN EXPERT CRIMINAL LAW AND PROCEDURE WHO CAN ADVISE US ON THESE POINTS. I THEREFORE REQUEST THAT I BE AUTHORIZED TO ENGAGE A CONSULTANT TO ADVISE US IN THIS REGARD. I HAVE IN MIND LIC. FRANCISCO CASTILLO, WHO ASSISTED US IN THE LATTER STAGES OF THE VESCO EXTRADITION CASE. CASTILLO IS A PENAL LAW EXPERT AND SCHOLAR AS WELL AS PRACTICING LAWYER, AND IS A RESPECTED MEMBER OF THE LAW SCHOOL FACULTY. HE HAS A GOOD REPUTATION, AND I WAS IMPRESSED WITH HIS CONTRIBUTION TO OUR RECENT CASE. I HAVE NOT APPROACHED HIM BUT I DO NOT THINK HE WOULD CHARGE A VERY GREAT FEE FOR THIS PURPOSE. PLEASE ADVISE.

VAKY
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